

REMARKS

A final Office Action was mailed on August 24, 2007. Applicant timely files this Preliminary Amendment together with a Request for Continued Examination (RCE)

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1-5, 7-11, 16 and 17 are pending, with claims 6 and 12-15 having been previously canceled without prejudice or disclaimer of the subject matter therein.

Claims 1 - 5, 7, 9 and 10 are currently canceled without prejudice or disclaimer of the subject matter therein.

Claim 8 is amended to include the subject matter of canceled claims 9 and 10. Claims 16 and 17 are amended to depend from claim 8. No new matter is introduced.

II. Claim Rejections under 35 U.S.C. §§ 102/103

Claims 1-4, 7, 8 10, 11, 16 and 17 are rejected under 35 U.S.C. §102(e) as anticipated by Ehrnsperger et al. (U.S. Patent No. 6,160,200, herein "Ehrnsperger"). Claims 4, 5 and 9 rejected under 35 U.S.C. §103(a) as unpatentable over Ehrnsperger in view of Roe et al. (U.S. Patent No. 5,607,760, herein "Roe").

As claims 1 - 5, 7, 9 and 10 are currently canceled without prejudice or disclaimer, the rejections as to claims 1 - 5, 7, 9 and 10 are thereby made moot. Applicant respectfully traverses the rejections under 35 U.S.C. § 102/103 as to claims 8, 11, 16 and 17.

Amended independent claim 8 is directed to an absorbent article comprising a main body having a liquid-pervious top sheet, a back sheet and an absorbent core sandwiched between the top sheet and the back sheet. A skin-protective ingredient containing layer is applied to a surface of the top sheet in order to be transferred to form an oily film on the skin of a wearer to protect against irritation of the skin. A support layer substantially entirely and directly coats the skin-protective ingredient containing layer, and is formed of a polyethylene oxide having a molecular weight of from 700 to 1000 and a melting point of from 35 °C to 40 °C. This claimed composition for the support layer provides the advantage of enabling the support layer to fluidize by simply coming into contact with the wearer's skin, thereby releasing the skin-protective ingredient containing layer to form the oily film on the skin of the wearer to protect again irritation in skin-contacting regions of the absorbent article.

Ehrnsperger discloses a disposable absorbent article comprising a main body having a liquid-pervious top sheet 24, a back sheet 26 and an absorbent core 28 sandwiched between the top sheet and the back sheet (see, e.g., FIGs. 1 and 2 of Ehrnsperger). Portions of the absorbent article may be coated with a lotion for protecting against skin irritation (see, e.g., Col. 6: 64 - Col. 7: 11 and Col. 14: 44 - 50 of Ehrnsperger). The disposable absorbent article may also include a waste passage member 60 including soluble material 66 which is intended to dissolve to enable the one-way passage of waste materials through waste passage member 60 and into the absorbent core. While Ehrnsperger indicates that the soluble material 66 may have a solubility that is temperature dependent (see, e.g., Col. 13: 1 - 10 of Ehrnsperger), in sharp contrast to Applicant's claimed

absorbent article, Ehrnsperger does not teach or suggest that the soluble material 66 has a melting point from 35°C to 40°C.

The Examiner notes that Ehrnsperger's soluble material 66 may be further coated with a body adhering composition 80 formed of a polyethylene oxide (see, e.g., Col. 15: 58 - 67 of Ehrnsperger). However, and in sharp contrast to Applicant's claimed absorbent article, Ehrnsperger fails to disclose or otherwise suggest that the polyethylene oxide body adhering composition 80 comprises a polyethylene oxide having a molecular weight of from 700 to 1,000 and having a melting point from 35°C to 40°C. In fact, Applicant suggests that it is highly unlikely that Ehrnsperger's polyethylene oxide body adhering composition 80 has these characteristics of Applicant's claimed support layer. As the adhering composition 80 is intended to "act to hold the waste 15 passage member 60 close to the wearer's skin" (see, e.g., Col. 14: 24 - 27 of Ehrnsperger), a polyethylene oxide having a melting point at skin temperature (i.e., from 35°C to 40°C) would be highly unsuitable for the intended purpose of Ehrnsperger's adhering composition 80. Roe, which is cited by the Examiner as teaching a skin-protective ingredient comprising a petroleum jelly, fails to make up for this deficiency in the disclosure of Ehrnsperger.

Therefore, for at least the above-argued reasons, Applicant submits that the present invention as claimed in amended independent claim 8 is patentably distinguishable over Ehrnsperger and Roe, and that amended independent claim 8 is therefore allowable. As claims 11, 16 and 17 depend from allowable independent claim 8, Applicant also submits that dependent claims 11, 16 and 17 are also allowable for at least this reason.

Accordingly, Applicant respectfully requests that the rejections of claims 8, 11, 16 and 17 under 35 U.S.C. §§102(e), 103(a) be withdrawn.

CONCLUSION

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. If there are any remaining issues which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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